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Judge Rejects Biden Administration Bid to Overturn Injunction in Social Media Censorship Case

Citing specific examples of First Amendment violations, a federal judge on Monday denied a request by the U.S. Department of Justice to pause an injunction barring the Biden administration from a wide range of communications with social media platforms.

By Michael Nevradakis, Ph.D.

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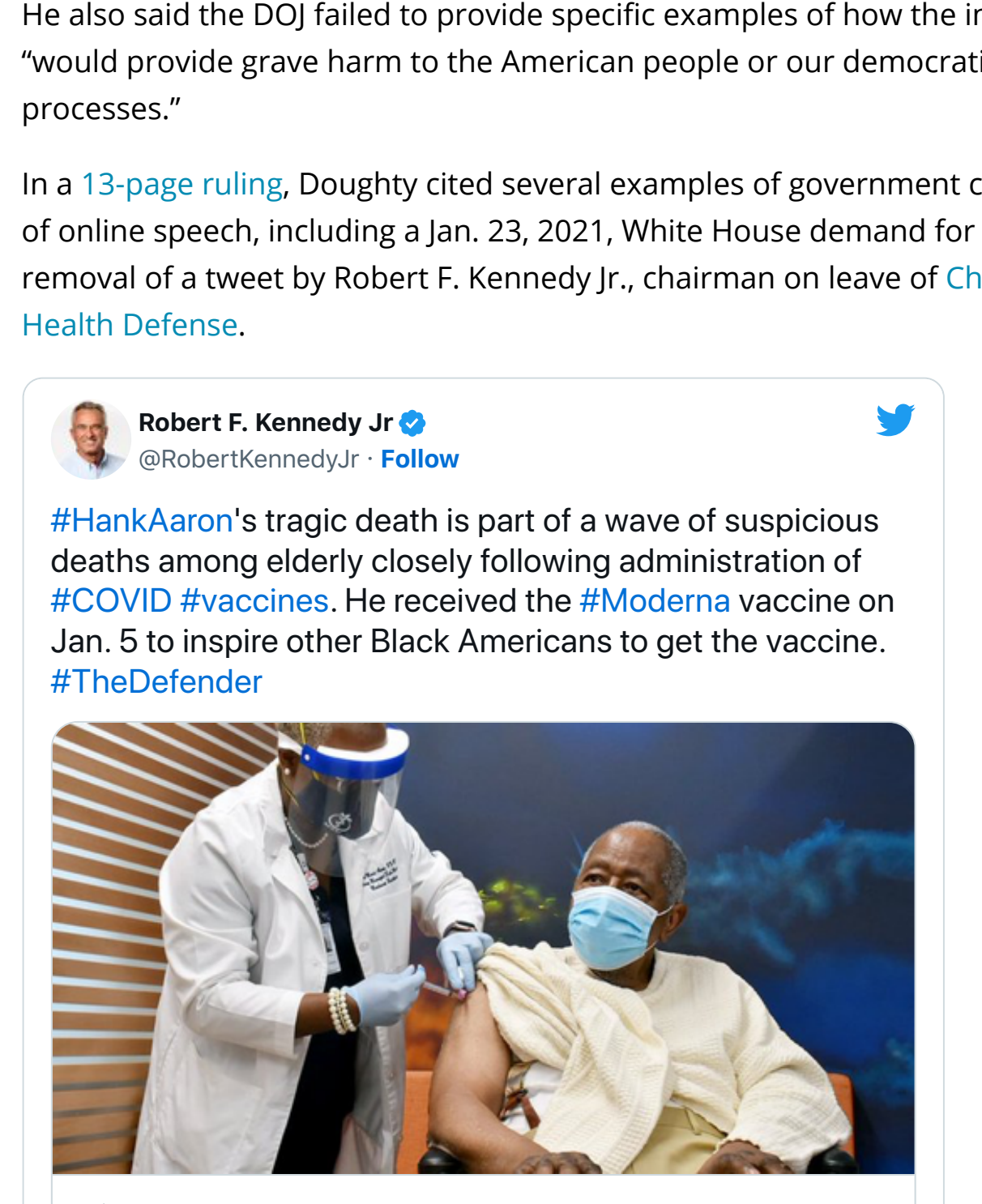
A federal judge on Monday denied a request by the U.S. Department of Justice (DOJ) to pause an injunction barring the Biden administration from a wide range of communications with social media platforms.

Judge Terry Doughty of the U.S. District Court for the Western District of Louisiana Monroe Division rejected the Biden administration's argument that the injunction could hamper the government's law enforcement efforts online.

He also said the DOJ failed to provide specific examples of how the injunction "would provide grave harm to the American people or our democratic processes."

In a 13-page ruling, Doughty cited several examples of government censorship of online speech, including a Jan. 23, 2021, White House demand for the removal of a tweet by Robert F. Kennedy Jr., chairman on leave of Children's Health Defense.



Robert F. Kennedy Jr @RobertKennedyJr · Follow

#HankAaron's tragic death is part of a wave of suspicious deaths among elderly closely following administration of #COVID #vaccines. He received the #Moderna vaccine on Jan. 5 to inspire other Black Americans to get the vaccine. #TheDefender

childrenshealthdefense.org
Home Run King Hank Aaron Dies of 'Undisclosed Cause' 18 Days Afte...
The 86-year-old sports icon received the first of two doses of Moderna's vaccine on Jan. 5, in an attempt to inspire other Black …

2:41 PM · Jan 22, 2021

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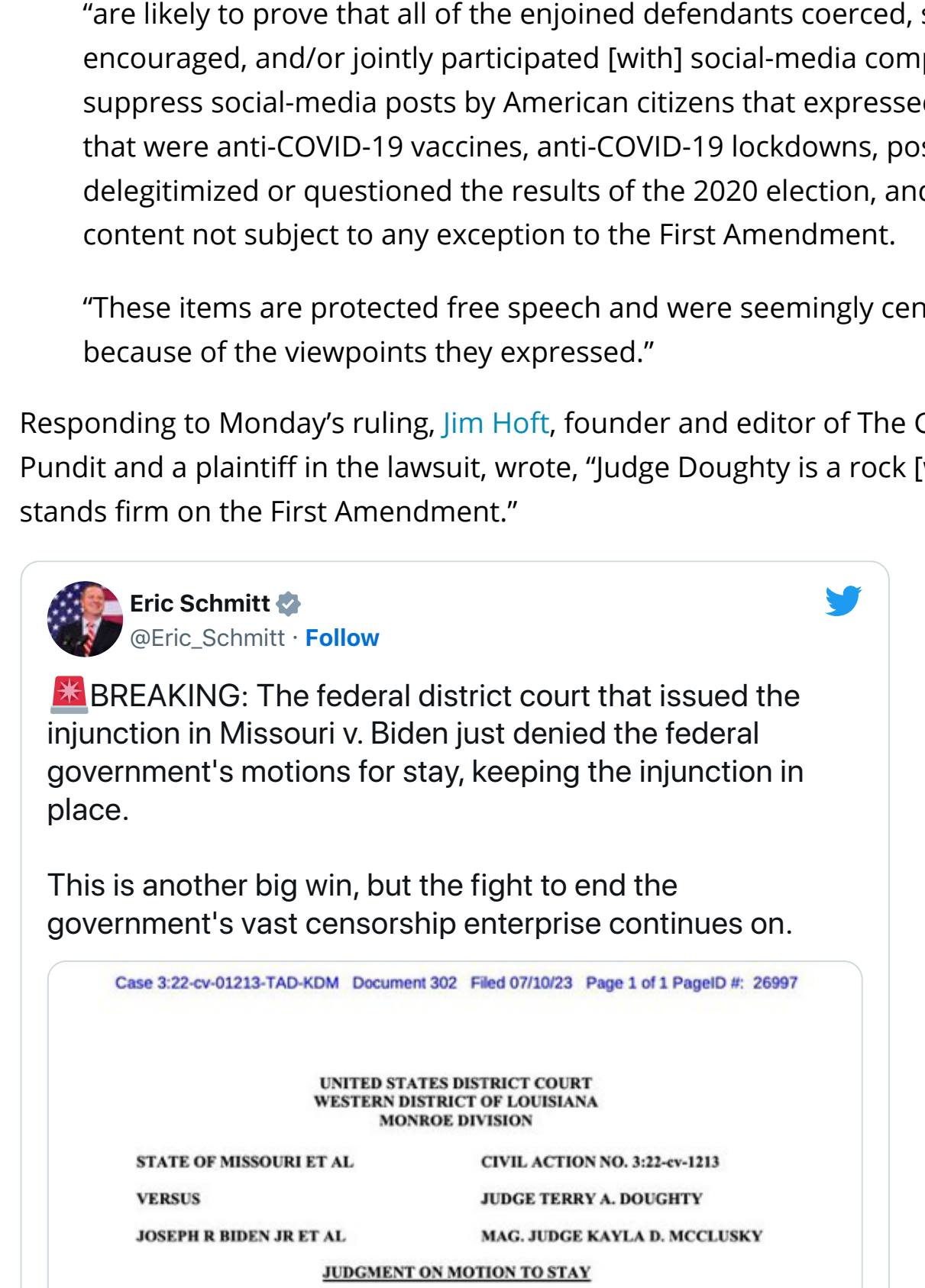
Doughty wrote that the plaintiffs:

> "are likely to prove that all of the enjoined defendants coerced, significantly encouraged, and/or jointly participated [with] social-media companies to suppress social-media posts by American citizens that expressed opinions that were anti-COVID-19 vaccines, anti-COVID-19 lockdowns, posts that delegitimized or questioned the results of the 2020 election, and other content not subject to any exception to the First Amendment.
>
> "These items are protected free speech and were seemingly censored because of the viewpoints they expressed."

Responding to Monday's ruling, Jim Hoft, founder and editor of The Gateway Pundit and a plaintiff in the lawsuit, wrote, "Judge Doughty is a rock [who] stands firm on the First Amendment."



Eric Schmitt @Eric_Schmitt · Follow

🚨BREAKING: The federal district court that issued the injunction in Missouri v. Biden just denied the federal government's motions for stay, keeping the injunction in place.

This is another big win, but the fight to end the government's vast censorship enterprise continues on.

Case 3:22-cv-01213-TAD-KDM Document 302 Filed 07/10/23 Page 1 of 1 PageID #: 26997

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

STATE OF MISSOURI ET AL — CIVIL ACTION NO. 3:22-cv-1213
VERSUS — JUDGE TERRY A. DOUGHTY
JOSEPH R BIDEN JR ET AL — MAG. JUDGE KAYLA D. MCCLUSKY

JUDGMENT ON MOTION TO STAY

For the reasons set forth in the Memorandum Ruling on Motion to Stay,

IT IS ORDERED, ADJUDGED, AND DECREED that the definition of "protected free speech" in the Memorandum Ruling [Doc. No. 294, at p.4, n.3] shall be amended to read as follows:

> "Protected free speech" means speech which is protected by the Free Speech Clause of the First Amendment of the United States Constitution in accordance with the jurisprudence of the United States Supreme Court.

IT IS FURTHER ORDERED that the Defendants' Motion to Stay Preliminary Injunction Pending Appeal, and Alternatively, for Administrative Stay [Doc. No. 297] is DENIED.

MONROE, LOUISIANA, this 10th day of July 2023.

TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE

10:59 AM · Jul 10, 2023

5.2K Reply Share

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'Airtight evidence' feds worked with Big Tech to censor speech

Doughty issued the injunction on July 4 as part of an ongoing lawsuit filed in May 2022 by the attorneys general of Missouri and Louisiana along with several medical experts and journalists, who alleged key Biden administration agencies and officials colluded with social media platforms to censor their views, which ran counter to the government's official COVID-19 narrative.

In that ruling, Doughty said there is "substantial evidence" the government violated the First Amendment by engaging in a large-scale censorship campaign.

As part of the July 4 injunction, several federal agencies and top administration officials were temporarily prohibited from working with the companies in ways that are aimed at "urging, encouraging, pressuring, or inducing in any manner for removal, deletion, suppression, or reduction of content containing protected free speech."

These agencies and officials include the DOJ, FBI, U.S. Department of Homeland Security Secretary Alejandro Mayorkas, U.S. Department of Health and Human Services Secretary Xavier Becerra, U.S. Surgeon General Vivek Murthy, and White House Press Secretary Karine Jean-Pierre.

The July 4 ruling included a carve-out for posts involving criminal activity and threats to national security.

In Monday's decision, Doughty clarified the definition of "protected free speech," as applicable to his July 4 order, as "speech which is protected by the Free Speech Clause of the First Amendment of the United States Constitution in accordance with the jurisprudence of the United States Supreme Court."

He also rejected government claims that the injunction was overbroad:

> "Although this Preliminary Injunction involves numerous agencies, it is not as broad as it appears, it only prohibits something the Defendants have no legal right to do — contacting social media companies for the purpose of urging, encouraging, pressuring, or inducing in any manner, the removal, deletion, suppression, or reduction of content containing protected free speech posted on social-media platforms."

The DOJ filed a notice of appeal on July 5, and an instant motion to stay the following day, asking the court to stay the July 4 injunction pending appeal or issue an administrative stay for seven days.

The Biden administration claimed it faced "irreparable harm" with each day the injunction remained in effect.

In response, Missouri and Louisiana, the two states leading the lawsuit, filed a memorandum in opposition to the government's motion on Sunday, writing:

> "Evidence in this case overwhelmingly shows that the way the Government supposedly 'prevent[s] grave harm to the American people and our democratic processes' is to pressure and induce social-media platforms to censor disfavored viewpoints on COVID-19, elections, and other core political speech. …
>
> "In the end, their position is fundamentally defiant toward the Court's judgment. It demonstrates that the Government will continue violating First Amendment rights by censoring core political speech on social media as soon as it can get away with it. The motion to stay should be denied."

In Monday's ruling, Doughty sided with the plaintiffs. CBS News reported that following the decision, the DOJ asked the U.S. Court of Appeals for the 5th Circuit to pause this order pending appeal and requested relief by July 24, claiming:

> "The district court issued a universal injunction with sweeping language that could be read to prohibit (among other things) virtually any government communication directed at social-media platforms regarding content moderation …
>
> "The court's belief that the injunction forbids only unconstitutional conduct, while protecting the government's lawful prerogatives, rested on a fundamentally erroneous conception of the First Amendment, and the court's effort to tailor the injunction through a series of carveouts cured neither the injunction's overbreadth nor its vagueness."

In a statement following the ruling, John Burns, an attorney representing The Gateway Pundit in the lawsuit, said:

> "Judge Doughty's brief explaining his reasoning for denying the government's baseless motion to stay appears to also directly respond to the media's attacks on his order preventing the government from censoring speech.
>
> "For example, a common trope from dishonest left-wing media pundits and even law professor analysts, is that there was no evidence that the government censored speech.
>
> "Judge Doughty's order denying the government's request to halt the injunction goes through several examples of airtight evidence showing the feds' deliberate efforts to work with Big Tech to censor speech."

Government sought to 'get around' First Amendment protections

One of the examples cited by Doughty was a Jan. 23, 2021, email to Twitter from Clarke Humphrey, the digital director for the White House COVID-19 response team, requesting the removal of a tweet by Kennedy questioning COVID-19 vaccines. "Twitter files" released in January revealed this effort by the White House to censor Kennedy.

Doughty also cited an April 14, 2021, demand from Rob Flaherty, the deputy assistant to the president and the White House's director of digital strategy, for the removal of a video of Fox News hosts Tucker Carlson and Tomi Lahren questioning COVID-19 vaccines.

Flaherty "demanded immediate answers from Facebook" regarding the video. A few days later, Facebook reduced the Fox hosts' visibility by 50%.

Doughty also cited several meetings Murthy had with social media companies, during which he described purported health misinformation, including posts questioning COVID-19 vaccines, as "poison," and called on social media companies to do more to limit the reach of such content.

And he cited an Oct. 8, 2020, email from Dr. Francis Collins, then-director of the National Institutes of Health, to Dr. Anthony Fauci, saying the Great Barrington Declaration — an open letter expressing "grave concerns about the damaging physical and mental health impacts of the prevailing COVID-19 policies" — needed a "quick and devastating take-down."

Fauci responded with information "debunking" the declaration, shortly before it was censored by social media platforms. The "Twitter files" previously revealed that signatories of the declaration, including Dr. Jay Bhattacharya — a plaintiff in the Missouri v. Biden lawsuit — also were censored by social media platforms.

Doughty also cited examples of federal agencies, such as the FBI and the Cybersecurity Infrastructure Security Agency, working closely and meeting with non-government actors such as the Election Integrity Partnership and the Virality Project — the subject of recent "Twitter files" releases — targeting social media posts questioning the prevailing 2020 election narratives and COVID-19 vaccines.

According to Doughty:

> "The Election Integrity Partnership was designed to 'get around unclear legal authorities, including very real First Amendment questions' that would arise if government agencies were to monitor and flag information for censorship on social media."

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Michael Nevradakis, Ph.D.

Michael Nevradakis, Ph.D., based in Athens, Greece, is a senior reporter for The Defender and part of the rotation of hosts for CHD.TV's "Good Morning CHD."

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Jerry Alatalo
5 days ago

One might suggest the benefit of an immediate (global) **Twitter storm** featuring the most recent (horrific) death and injury statistics compiled in the Vaccine Adverse Event Reporting System (VAERS) in the United States - and equally horrifying COVID-19 vaccine death and injury statistics in the European Union, Africa, Asia and South America, etc..

15 0 Reply • Share ›

LinUK
5 days ago

Definition of a dictatorship, a government going to any lengths to silence the people.

6 0 Reply • Share ›

trmlogan
5 days ago

Thank the Lord for Judge Doughty!!!! May truth & freedom prevail!!

6 0 Reply • Share ›

Carrie Lavine
5 days ago edited

Gee..maybe the judge residing in Biden Regime's Censorship-case on their criminal Censorship Enterprise understands something..that When the Govt Fears the People theres Freedom and When the People Fear the Govt theres Tyranny.Biden Regime fear we Know the Truth..of..the Planning of the ConVid Plandemic..they fear we Know all agencies are&have been on StandDown of the Truth-that they Knew the Graphene Oxide injections would cause Mass Sudden Deaths..of Myocarditis..Brain Clots..Mass Injuries from Sudden Blindness&Sudden Partial Paralysis to loss of smell&taste..to bizarre conditions Never Seen b4 such as Sudden Stiffness Syndrome.The Lord's judgement cannot be overthrown.Mayb with all the facts Exposed of Biden Regime running Child Trafficking the Missouri judge will not relent on banning the Federal Zone from invading our 1rst amendment..and the Supreme Law of the Land.

6 0 Reply • Share ›

jacquelynsauriol
5 days ago

Finally a small bit of light in this dark tunnel.

6 0 Reply • Share ›

Larry DeMarco
5 days ago

A David and Goliath srory as are most of our significant fights of these topsy-turvy times. I pray to God every day for the brave and moral individuals who lead the ranks of the just. May the Lord place David in the winner's circle again and again.

4 0 Reply • Share ›

Nick Cordovano
5 days ago

Doesn't do much good when the social media platforms are still censoring Americans.

3 0 Reply • Share ›

Nick Cordovano
5 days ago edited

It doesn't do much good when the social media platforms are still censoring Facebook especially.

2 0 Reply • Share ›

Dean Jackson
4 days ago edited

"Doughty issued the injunction on July 4..."

Choosing that date, the judge is telling us that our political/media institutions are infested with Marxists, as the following proves...

Trump giving the Marxist salute, the reason why Time chose that moment to capture for its inaugural front cover...

see more

1 0 Reply • Share ›

Voyt Regnal ➦ Dean Jackson
4 days ago

Interesting. But do we really observe Marxism/Communism on the rise?
What I see, are regimes, tyranny and dictatorships in so called 'western' countries, that allow to pump more and more money into the pockets of ultra rich individuals and corporations. I see "private-Public partnership" scheme growing exponentially. This is not communism, but rather fascism. Ultimately we are going to have none of it, but something even more sinister. Just my opinion.

2 0 Reply • Share ›

Dean Jackson ➦ Voyt Regnal
4 days ago

"Interesting. But do we really observe Marxism/Communism on the rise?"

Rise? I just informed you it's been here for over a century, placing Lenin & Bolsheviks into power in 1917 with the Marxist World War I operation, where the British conspire to not easily win the war by mining the Danish Straits three years earlier in 1914, then refuse to send the 50,000 strong Czech Legion 600 miles north to Petrograd to easily oust Lenin, instead sending the Legion 6,000 miles across Russia to Vladivostok for evacuation, thereby welcoming the re-deployment of one-million German soldiers from the Eastern Front to the Western Front! It's hilariously obvious our institutions are infested with Satanists, who use the more deluded Marxists as puppets.

Then we have the World War I combatants conspiring to draw out the war by not using tunnel boring machines (TBMs) to undermine (pun intended) each others' defenses and win the war in quick succession. TBMs were in commercial use in the early 1860s, then in 1929 France beings construction of the Maginot Line!

see more

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Voyt Regnal ➦ Dean Jackson
4 days ago edited

What you try to convey is extremely bizzare. Yeah...ultimately 'commies' were dictating ww1, ww2 and everything then and now. Mehh...
As for now, we are looking at consequtive attempt of technocrats (taking advantage of advanced technologies that people have become addicted to) in order to achieve control over population, and I have no sticker for it. Some use 'communitarianism'..but even this may not be correct. Forget about old labels.
What would be the name for the system that was created in the kingdom of Dahomey? Or how would you name development presented in movies "Hunger Games"?..because this is where the big part of the world is marching into.

0 0 Reply • Share ›

Dean Jackson ➦ Voyt Regnal
3 days ago

"What you try to convey is extremely bizzare. "

I haven't tried, I provided the shocking facts that went over your head. Obviously, your cognitive functions have been affected by the yearly vaccines taken.

Maybe the following is easier to chew: 3,000 statues of Lenin remain standing in Soviet Russia (none were destroyed), where the hammer & sickle logo is still used by Aeroflot, Lenin's tomb still resides at Red Square, hidden on May Day festivities behind a facade, and where the state emblem of the USSR is atop the Duma building, illuminated at night for clear viewing of the anti-communists that walk by, the same anti-communists whose 67,000,000 relatives were executed between 1917-1991. Not to mention the Russian military newspaper, which was never folder, still called Red Star (1924-2023), and still containing the four Soviet awards on the masthead...

1. The Order of Lenin

see more

1 0 Reply • Share ›

Voyt Regnal
4 days ago

"Indeed, while the Biden Administration was recently dealt a legal blow over its attempts to urge social media companies to do more to combat so-called dis- and mis-information, these data fusion centers are the unacknowledged powerhouses behind the government's campaign to censors and retaliate against those who vocalize their disagreement and discontent with government "
More about it:

'Targeted for Tyranny: We're All Suspects Under the Government's Precrime Program'

https://mailchi.mp/rutherfo...

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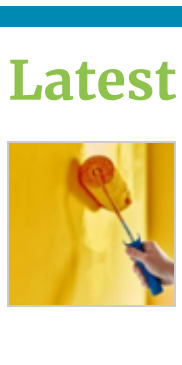

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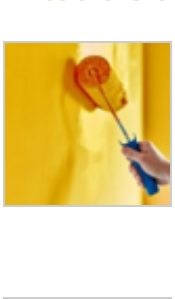

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